

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED

**Form to be used by a prisoner filing a civil rights complaint under
THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

SEP 24 2007

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

ROBERT H. SHEMWEILL, CLERK
BY RP DEPUTY
SHREVEPORT

Brian D. Holkaway 353743
Full Name of Plaintiff, Prisoner Number

07-0133
Civil Action

VS. Sheriff Tony Marcuso
Caleasieu Correctional Center
Defendant Sgt. William Robinson

Judge Melancon
Judge
Judge Hill
Magistrate Judge

COMPLAINT

I. Previous Lawsuits

A. Have you begun any other lawsuit while incarcerated or detained in any facility?

Yes ☐

No ☒

B. If your answer to the preceding question is yes, provide the following information.

1. State the court(s) where each lawsuit was filed (if federal, identify the District; if state court, identify the county or parish):

2. Name the parties to the previous lawsuit(s):

Plaintiffs: _____

Defendants: _____

3. Docket number(s): _____

4. Date(s) on which each lawsuit was filed: _____

5. Disposition and date thereof [For example, was the case dismissed and when? Was it appealed and by whom (plaintiff or defendant)? Is the case still pending?]:

- C. Have you filed any lawsuit or appeal in any federal district court or appeals court which has been dismissed?

Yes ☐ No ☒

If your answer to the preceding question is yes, state the court(s) which dismissed the case, the civil action number(s), and the reason for dismissal (e.g., frivolity, malice, failure to state a claim, defendants immune from relief sought, etc.).

II. A. Name of institution and address of current place of confinement:

*Calcasieu Correctional Center 5410 E. Broad St.
Lake Charles La. 70615*

- B. Is there a prison grievance procedure in this institution?

Yes ☐ No ☒

1. Did you file an administrative grievance based upon the same facts which form the basis of this lawsuit?

Yes ☐ No ☒

If Yes, what is the Administrative Remedy Procedure number? _____

2. If you did not file an administrative grievance, explain why you have not done so.

3. If you filed an administrative grievance, answer the following question.

What specific steps of the prison procedure did you take and what was the result? (For example, for state prisoners in the custody of the Department of Public Safety and Corrections: did you appeal any adverse decision through to Step 3 of the administrative grievance procedure by appealing to the Secretary of the Louisiana Department of Public Safety and Corrections? For federal prisoners: did you appeal any adverse decision from the warden to the Regional Director for the Federal Bureau of Prisons, or did you make a claim under the Federal Tort Claims Act?)

Attach a copy of each prison response and/or decision rendered in the administrative proceeding.

III. Parties to Current Lawsuit:

A. Name of Plaintiff Brian D. Holloway

Address P.O. Box 2017 Lake Charles La. 70602
1747 6th Ave. Lake Charles La. 70601

B. Defendant, Tony Mancuso, is employed as

Celestien Corr. Center at 5410 E Broad St. Lake Charles La. 70602

Defendant, Sgt. William Robinson, is employed as

Celestien Corr. Center at 5410 E Broad St. Lake Charles La. 70602

Defendant, _____, is employed as

_____ at _____.

Additional defendants _____

IV. Statement of Claim

State the **FACTS** of your case. Specifically describe the involvement and actions of each named defendant. Include the names of all persons involved in the incident(s) or condition(s) giving rise to this lawsuit, and the dates upon which and the places where the incident(s) and/or condition(s) occurred. **YOU ARE REQUIRED TO SET FORTH ONLY FACTUAL ALLEGATIONS. YOU ARE NOT REQUIRED TO SET FORTH LEGAL THEORIES OR ARGUMENTS.**

Please refer to Summary attached

Complete medical records available
upon request.

V. Relief

State exactly what you want the court to provide to you or do for you. Make no legal arguments. Cite no cases or statutes.

Compensation for pain and suffering
Physical and Mental Distress, Cruel
and unusual punishment, negligence

VI. Plaintiff's Declaration

- A. I declare under penalty of perjury that all of the facts represented in this complaint and any attachments hereto is true and correct.
- B. I understand that if I am transferred or released, I must apprise the Court of my address, and my failure to do so may result in this complaint being dismissed.
- C. I understand that I may not proceed without prepayment of costs if I have filed three lawsuits and/or appeals that were dismissed on grounds that the action and/or appeal was frivolous or malicious, or failed to state a claim upon which relief may be granted, unless I am in imminent danger of serious physical injury.

Signed this 20th day of September, 2007.

353743

Prisoner no. (Louisiana Department of
Corrections or Federal Bureau of Prisons)

Brian D. Holloway
Signature of Plaintiff

I Brian D. Holloway state that at the time of this incident I was being housed at the Calcasieu Sheriffs Prison, located at 5300 E. Broad St., Lake Charles La. 70602, and has since been moved to the Calcasieu Correctional Center located at 5410 E Broad St. Lake Charles La. 70602.

I Brian D. Holloway also state that at the time of this incident I was serving a STATE sentence of (6) Six years while awaiting Federal prosecution.

On or about the 22nd Day of January 2006, I fell sick with symontons of Flu, could not eat, nausea, headache and dizziness when standing. A small knot appeared ~~on~~ my right leg next to my groin, upper thigh, and it continued to grow in size.

I started to press the call button in my cell and continued to press it but received no response from staff. It was finally answered (1) one time by Sargent William Robinson, I told Mr. Robinson of my condition and symontons, and was told by him that there were no physicians on staff and I would have to wait until next morning. After the First Intial contact my condition continued to worsen. I felt as though my condition was life threatening. I still kept pressing call button but received no response. During the night I suffered from fever, night sweats, and intense pain. At approximately ~~5:00~~ ^{8:00} AM I approached the nurse handing out medication at the door, I

believe her name to be Kathy, I told her I needed to make sick call, I was feeling bad, and showed her the inflamed area on my leg. She replied that "I would have to wait until she came to my dorm to hand out medication before I could make sick call. I also showed Sgt. McGee my leg at this time and he replied "We need to get you to the infirmary as soon as possible". I waited approximately (30) thirty minutes for her to return. She told me to fill out the Request for Medical Attention form which I did, and she examined the area on my leg and told me she would call me down to the infirmary. I still had to wait (3) three hours before I was called to the infirmary. At the infirmary I was seen by the Nurse Practitioner Carol Thornton. She examined the inflamed area on my leg and took my temperature it had reached 102°. She said "I should be transported to the hospital immediately", I still had to wait an hour or more for the transportation Deputies to arrive one being Deputy LaVerne, he was also present during all the examinations at the hospital. Once at the hospital I was seen by the trauma nurse she said my temperature was high, I told her I could not sit down because of my leg. I was then seen by the Emergency Physician at W.O. Moss Regional, located in Lake Charles Louisiana. I was in a great deal of pain at this time and incoherent to a lot of what was being said. The Doctor examined my leg and I.V. was started and

I was taken to Surgery. I was then admitted into the hospital. I was taken back to Surgery the next morning still heavily sedated and incoherent to much of my surroundings. A pump was installed and continually pumped the infection from my leg, this also causing me a great deal of pain. At no time was I able to communicate with the attending Surgeon he ^{BDH} only spoke with the ^{BDH} Deputies. I remained hospitalized for (19) nineteen days in excruciating pain. Upon my release from the hospital I was taken to the medical ward at the Calcasieu Correctional Center where I was repeatedly denied medical attention which was prescribed by the Surgeon. I returned on the 10th to the jail and was not seen by the nurse until the 11th by this time my bandage was very moist with blood, my wound was cleaned and fresh bandages applied. My wound wasn't cleaned again until the 2/13/06. At 10:00 o'clock AM on the 2/14/06 I asked the deputy on duty to call the nurse and ask to have my wound cleaned, he said "I know nothing about it, and that was that." By 12:15 pm noon on the 2/14/06 I had still not received medical attention. At that time I asked the Deputy to see about me going to get my wound cleaned, at 12:25 pm the Deputy told me the nurse said they would call for me when they got ready. Later that day I was called down to the Nurses Station and my wound was cleaned. On Wednesday 15, 2006 at 7:00 o'clock AM I spoke with the nurse about the cleaning.

and re-brandaging of my wound, she told me they⁽⁴⁾
(the nurses) could call me to the infirmary any
time because my wound only needed to be cleaned
once a day. I had a 9 o'clock A.M. Doctors Appoint-
ment on this day, the doctor said everything was
looking good, but it had to be cleaned (2) twice
a day because it was too moist. On Friday 17th,
2006 I woke up at 6:00 o'clock A.M to get medi-
cations, I told the nurse that my skin had be-
come irritated, she (the nurse) ^{BDH} said she was going
to call me to the nurses station, ^{BDH} at 12:30 o'clock P.M.
before I was called to the infirmary at which
time she (the nurse) told me she wasn't aware my
wound had to be cleaned (2) twice a day she was
sorry and starting the following day she would
call me in morning for the (1st) First change and
again late evening for the (2nd) second change.
After a few months I had to return to the
hospital this time I was taken to Lafayette
Louisiana, due to the infection reoccurring in my
leg I had to undergo a series of shots over
several days after returning to Calcasieu Correct-
ional Center.

Attorney In Pro Se
Barium D. Holloway #353743
20th September 2007

Sharon F. [unclear] away

O. Box

SEP 21 2007

Mr Charles, Jr. 70602

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED

SEP 24 2007

ROBERT J. CHEMWEILL, CLERK
BY AR SHREVEPORT DEPUTY

Legal Mail

Postmaster Please
Return Receipt Requested

CLERK United States District Court

Western District of Louisiana

U.S. Courthouse

300 Fann St., Suite 1167

Shirley [unclear]

Ms. [unclear]

